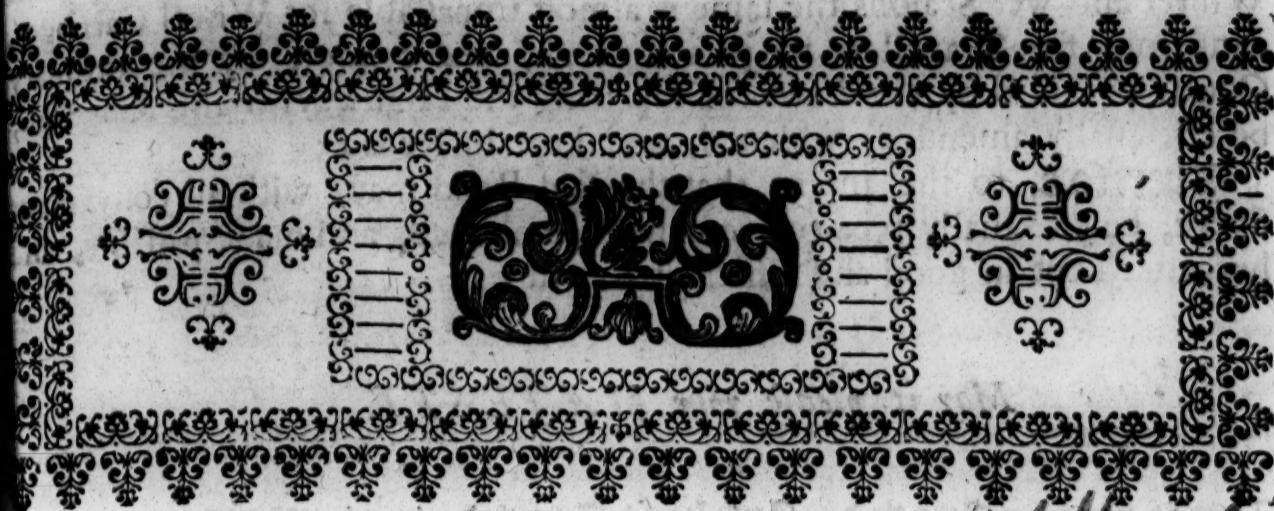


K Great Brit. Ges. 11

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England
Enacted 32 Geo. II. Public Acts,
c. 48.

A bill read 2 March 1759

A C T

F O R

repairing the Road from Wakefield to Austerlands, in the West Riding of the County of York.

Whereas the Road leading from the Town of Wakefield, in Preamble; the West Riding of the County of York, through the Townships of Horbury, Netherton, Overton, Lepton, Almonbury, Huddersfield, Marsden, and Saddleworth, to Austerlands, in the said County, being situate in a trading and populous Part of the same Country, and much used and frequented for the Carriage and Conveyance of Goods, Vares, Merchandizes, Commodities, and Provisions, made, manufactured, and consumed in that Country, and so necessary to be made passable and kept

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kept in Repair, for the preserving and encouraging the Trade and Commerce thereof, is, from the Narrowness and Steepness thereof in many Places, and the Nature of the Soil, become so deep and ruinous, that in Winter and wet Seasons the same is almost impassable for Wheel Carriages, dangerous for Travellers to pass through, and cannot, by the ordinary Course provided by the Laws for repairing the Highways of this Kingdom, be effectually amended, widened, and kept in Repair:

Therefore, to the Intent that the said Road may, with all convenient Speed, be effectually repaired, amended, enlarged, and made passable, and hereafter kept in good and sufficient Repair;

May it please your MAJESTY,

Trustees.

That it may be Enacted: And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *Henry Pleydell Dawney* Lord Viscount *Downe* in the Kingdom of *Ireland*, the Right Honourable *William Viscount Galway* in the Kingdom of *Ireland*, the Right Honourable *John Savile* Lord *Pollington* in the Kingdom of *Ireland*, the Honourable *George Cary*, Sir *William Lowther*, Sir *William Milner*, Sir *Henry Ibbetson*, Sir *Lionel Pilkington*, Sir *George Dalson*, Sir *John Lister Kaye*, Sir *John Ramsden*, Sir *George Savile*, Sir *Charles Sheffield*, Sir *William Wentworth*, Sir *Rowland Wynn*, Sir *George Armitage*, Baronets, *Anthony Armitage*, *John Armitage*, *Joseph Armitage*, *Bryan Allot*, *Robert Allott*, *Robert Alleson*, *John Brooke*, *John Brooke* junior, *Peter Birt*, *Richard Beaumont*, *Thomas Beaumont*, *Samuel Burroughs*, *Godfrey Bosvill*, *Thomas Beaumont*, *Richard Burton*, *Thomas Bowman*, *Arthur Burton*, *Richard Buxton*, *Thomas Beatson*, *William Beatson*, *William Beatson* of *Hollingthorpe*, *James Banks*, *William Browne*, *Richard Boothe*, *Ebenezer Buxton*, *Jeremiah Barstow*, *Daniel Battye*, *John Battye*, *Joseph Bradley*, *Musgrave Briscoe*, *Edmund Bothomley*, *Richard Cotton*, *George Cotton*, *John Cookson*, *Thomas Cotton*, *William Charnock*, *George Charnock*, *Egerton Cutler*, *Thomas Clapham*, *Robert Cheetham*, *John Crossland*, *Henry Woolhouse Disney*, *William Denton*, *Robert Delleton*, *Henry Empsall*, *Ralph Empsall*, *Edward Empsall*, *Francis Edmunds*, *Richard Ellison*, *James Farrer*, *Ayscough Fawkes*, *Francis Fawkes*, *Francis Fawkes* junior, *Benjamin Ferrand*, *Thomas Foljamb*, *William Fenton*, *William Fenton* junior, *Richard Fenton*, *Samuel Fenton*, *Abraham Firth*, *Abraham Firth* junior, *George Fisher*, *Thomas Green*, *George Greaves*, *Harpbam Green*, *Richard Green*, *Thomas Gill*, *Richard Grice*, *Henry Grice*, *Thomas Hirst*, *John Hirst*, *John Hatfield*, *John Hatfield* junior, *Robert Harper*, *Samuel Harper*, *Robert Harper* junior, *Samuel Harper*, *Clerk*, *Richard Haye*, *Walter Hawkesworth*, *Henry Hitch*, *John Hawkesworth*, *Alexander Hatfield*, *Westbye Hatfield*, *William Horsefall*, *William*



William Hague, Samuel Hague, John Haigh, John Hirst, Clerk, John Hagingbottom, Clerk, James Haigh, John Haigh, Thomas Haigh, John Haigh of Hirst, Joshua Horton, Samuel Hill, John Haigh of Hightown, Charles Ingram, William Ingram, Walter Jodrell, Allan Johnson, John Kaye, Richard Kaye, George Lane, Robert Lane, William Lowther, Clerk, Edwin Lascelles, Daniel Lascelles, Henry Lascelles, George Lumley, John Lumb, John Lumb junior, Richard Lumb, Robert Lumb, Joseph Lawson, Thomas Maude, Thomas Maude junior, William Maude, James Maude, William Marsden junior, John Milnes, John Milnes, James Milnes, Robert Milnes, Pemberton Milnes, Shore Milnes, Daniel Maude, Daniel Maude junior, Francis Maude, Francis Maude of Lotherton, Luke Marsden, Marsden, Clerk, Richard Mathewman, James Nethorpe, Jeremiah Naylor, William Naylor, Fletcher Norton, Francis Norton, William Nevison, Thomas Norton, Thomas Norton junior, Edward Oates, Thomas Oates, Harrison Pilkington, John Pilkington, Michael Pilkington, Metcalfe Proctor, Thomas Puleyn, Edward Prince, William Priestly, William Priestly junior, Thomas Parker, John Roebuck, William Radcliffe, Aymor Rich, Timothy Reverley, Charles Radcliff, William Rhodes, Jeremiah Ridsdale, Charles Radcliff, John Radcliff, John Ridsdale, John Radcliff, Edward Releton, Clerk, Abraham Radcliff, John Spencer, John Smyth, Thomas Smyth, Thomas Smyth, Clerk, John Scot, Henry Scot, George Shillito, John Scott, Clerk, John Silvester Smyth, John Stanhope, Robert Steere, Charles Steer, Michael Stocks, William Serjeantson, Henry Shaw, William Shaw, Timothy Scholefield, John Scholefield, Thomas Thornton, Thomas Thornhill, George Thornhill, William Thompson, Nicholas Torr, James Torr, Richard Tenant, Richard Towne, William Todde, Richard Wilson, Richard Wilson junior, Thomas Wilson, Edmund Winn, Rowland Winn, Joshua Wilson, Joshua Wilson junior, Thomas Winn, Walter Wade, Thomas Wentworth, Peregrine Wentworth, Francis Wood, Godfrey Wentworth, Benjamin Wilson, Clerk, Thomas Wilson, Clerk, James Wilkinson, Clerk, Henry Wickham, Clerk, Andrew Wilkinson, Charles Wilkinson, William Webster, John Webster, Clerk, John Waugh, Joseph Willes, John West, Jonathan West, Richard West, Francis Wheatley, Joseph Woolin, Charles Waterton, John Whitacre junior, John Woodhead, Abraham Woodhead, William Wilcock, Joseph Walker, William Walker, Thomas Walker, Henry Zouch, Clerk, Samuel Zouch, Henry Zouch, Richard Zouch, John Buxton, John Dyson, Robert Deighton, James Garside, Francis Maude junior, John Favell, Richard Richardson, Edward Wortley, John Webster, Robert Fretwell, Gyles Rickaby, John Holdsworth, Joseph Stocks, shall be, and they are hereby appointed, Trustees for surveying, ordering, enlarging, amending, and repairing the said Road, and keeping the same in Repair, and for putting all and every the Powers and Authorities hereby given, granted, and provided, in Execution.

And

Power to erect
Turnpikes
and Toll-
houses;

and to take

The Tolls;

which are
vested in the
Trustees.

Turnpikes
and Toll-
houses vested
in the Trus-
tees.

And it is hereby further Enacted and Declared. That the said Trustees, or any Nine or more of them, or such Person or Persons as they, or any Nine or more of them, shall authorize or appoint, shall and may, and they are hereby authorized and impowered to erect and set up, or cause to be erected and set up, such Turnpike or Turnpikes, Toll-gate or Toll-gates, Toll-house or Toll-houses, in, upon, cross, or on the Side of, any Part of the said Road so intended to be repaired: And also shall and may demand and take, before any Horse, Beast, Cattle, or Carriage whatsoever, made chargeable with and liable to any Toll or Duty by virtue of this Act, shall be permitted to pass through such Turnpikes or Toll-gates, the several Tolls and Duties herein after-mentioned; that is to say, For every Coach, Chariot, Berlin, Landau, Hearse, Chaise, Chair, Calash, drawn by Six or more Horses, Mules, or Beasts of Draught, the Sum of Three Shillings; and drawn by Four Horses, Mules, or other Beasts of Draught, the Sum of Two Shillings; and drawn by Three or Two Horses, Mules, or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by One Horse, Mule, or Beast of Draught, the Sum of One Shilling: And for every Waggon, Wain, Cart, or other Carriage, drawn by more than Six Horses, Oxen, or Beasts of Draught, the Sum of Three Shillings; and drawn by Six Horses, Oxen, or Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Five Horses, Oxen, or Beasts of Draught, the Sum of Two Shillings; and drawn by Four Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horses, Oxen, or Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses, Oxen, or Beasts of Draught, the Sum of Eight Pence; and drawn by One Horse, Ox, or Beast of Draught, the Sum of Four Pence: For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Three Pence: For every Drove of Oxen or Neat Cattle, the Sum of Ten Pence *per Score*, and so in proportion for any greater or lesser Number: For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five Pence *per Score*, and so in proportion for any greater or lesser Number.

And be it further Enacted, That the several Tolls and Duties hereby granted and made payable, shall and may be demanded and taken in the Name of, and as, a Toll or Duty, and the Money so to be raised as aforesaid, shall be and is hereby vested in the said Trustees and their Successors; and the same, and every Part thereof, shall be paid, applied, disposed of, and employed, to and for the several Uses, Intents and Purposes, and in such manner as is herein after-mentioned, ordered, provided, and directed.

And be it further Enacted, by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses, which shall be erected and built by virtue of this Act, shall be and are hereby vested in the said Trustees; and they, or any Nine or more of them, are hereby authorized and impowered to dispose thereof as they shall think proper; and to bring Actions in their Names, or in the Names of any Nine or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or to prefer Bills of Indictment against any Person

or

or Persons, who shall steal, take away, break down, spoil, or damage, such Turnpikes or Toll-houses, or any of them, so erected and builte as aforesaid, or any Part thereof respectively.

Provided always, and be it further Enacted and Declared, by the Power to aforesaid, That it shall and may be lawful to and for the said portion the Trustees, or any Nine or more of them, to separate, divide, and appor-^{tion, the Tolls;} tion, the Tolls and Duties hereby granted and made payable, into such and so many Shares and Proportions, to be taken, collected, and received, at such and so many of the said Turnpikes or Toll-gates as to the said Trustees, or any Nine or more of them, shall seem requisite and expedient.

And it is hereby further Enacted, That it shall and may be lawful to and for the said Trustees for the Time being, or any Nine or more of them, or any such Person or Persons as they, or any Nine or more of them, under their Hands and Seals, shall, from time to time, nominate and appoint to demand and take the Tolls hereby granted and made payable, and to levy the same upon any Person or Persons who shall, after Demand thereof, neglect or refuse to pay such Tolls or Duties as aforesaid, by Distress of any Horse or Horses, or other Cattle, or Goods, upon, or on account, or in respect of which, such Toll or Duty is by this Act imposed or made payable; or by Distress of any other Goods and Chattels of such Person or Persons who ought to pay the same, and to keep and detain the same, until such Tolls or Duties, with the reasonable Charges of such distraining, detaining, and keeping, shall be paid: And it shall and may be lawful to and for such Person or Persons so distraining, after the Space of five Days after such Distress made and taken (such Toll or Duty, with the reasonable Charges of such distraining, detaining, and keeping, not being then paid) to sell the Goods so distrained and detained; returning the Overplus (if any be), upon Demand, to the Owner thereof, after such Toll and Duty, and reasonable Charges for distraining and keeping the same, shall be deducted and paid.

And be it further Enacted, by the Authority aforesaid, That the Application of Money arising from the Tolls and Duties granted and made payable, and which shall be raised and collected, by virtue and in pursuance of this Act, or that shall be borrowed on the Credit thereof respectively, shall, by the said Trustees hereby nominated or appointed, and their Successors, or any Seven or more of them, be applied and disposed of, in the First place, for the paying and defraying the Charges and Expences attending the obtaining and passing this present Act; and then for the erecting such Turnpike or Turnpikes, Toll-gate or Toll-gates, Toll-house or Toll-houses, as the Trustees for the Time being, or any Nine or more of them, shall think proper to set up in pursuance of this Act, and afterwards and subject thereto, for the amending, repairing and widening the said Road, and keeping the same in Repair.

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying, any Lands near unto any Turnpike to be erected in pursuance of this Act, shall willingly permit or suffer any Person or Persons whatsoever to pass through any Gate, Passage, Inclosure, or Way, with any Coach, Waggon, Cart, Penalty on
Persons per-
mitting and
using private
Passage.

or other Wheel Carriage, or riding or driving any Horse, Mare, Mule, Ass, or any Sort of Cattle, whereby the Payment of any of the Tolls or Duties by this Act granted shall or may be avoided, every Person so permitting, and also the Person so going through, to avoid paying as aforesaid, and being thereof convicted, upon Oath, before the said Trustees, or any Five or more of them; which Oath, any One or more of the said Trustees are hereby empowered to administer; or before One or more Justice or Justices of the Peace for the West Riding of the County of *York*; shall respectively forfeit and pay to the Trustees authorized to put this Act in Execution, or to their Treasurer or Treasurers for the Time being, the Sum of Twenty Shillings, to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Five or more of them, or such Justice or Justices; and the Person or Persons making such Distress shall render the Overplus (if any be) of the Money arising by such Sale, which shall remain after the Payment of the said Penalty, and the Charges of such Distress and Sale to be settled and ascertained by the said Trustees, or any Five or more of them, or by the said Justice or Justices, are deducted, unto the Owner or Owners of the Goods so distrained and sold.

Property of
private Tolls
preserved.

Provided always, and it is hereby Enacted and Declared, That nothing herein contained shall prejudice, defeat, or interrupt, the Right or Claim of any Person or Persons, Bodies Politick or Corporate, to any such Tolls or Duties as have, by long Usage, been had and lawfully taken upon any Part of the said Road.

Power to erect
Side-gates.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall direct or appoint as aforesaid, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side of the Highway or Road hereby intended to be repaired, or cross any Way or Lane leading out of the said Road, or any Part thereof, to prevent Frauds and Abuses in eluding the Payment of the said Tolls, or any of them, hereby made payable as aforesaid; and there to receive and take such Toll or Tolls, as is or are, by virtue of this Act, to be taken at any of the Turnpikes to be erected in pursuance thereof; so as the same do not increase the Toll or Tolls herein before directed to be levied and paid.

Not to repair
Town Streets.

Provided also, That nothing in this Act contained shall authorize and empower the Trustees herein before nominated and appointed, and their Successors, or any of them, to repair or amend any of the Streets of the Towns of *Wakefield* or *Huddersfield*, or any Part thereof, respectively.

Tolls to be
paid but once
a Day.

Provided always, That no Person or Persons, having paid the Toll or Duty made payable by this Act, at the first Gate or Turnpike through which such Person or Persons shall pass, producing a Note or Ticket that the said Toll or Duty was paid (which Note or Ticket the Receiver or Receivers, Collector or Collectors, of the Tolls and Duties granted by this Act, is and are hereby required to give *gratis*), shall be liable to pay any Toll or Duty at any other Gate or Gates, Turnpike or Turnpike erected in any other Part of the said Road, so as such Person or Person delivered

deliver the said Note or Ticket to the Receiver or Receivers, Collector or Collectors of the same Toll or Duty, at such other Gate or Turnpike, on the same Day, or before Twelve of the Clock in the Night of that Day; and that no Person or Persons, who shall have Occasion to pass through any of the Toll-gates or Turnpikes erected in pursuance of this Act, with any Coach, Landau, Berlin, Chariot, Curriole, Calash, Chaise, Hearse, Chair, Chaise-Marine, Waggon, Wain, Cart, Carriage, Horse, Mule, or other Cattle, having paid the Toll and Duty appointed by this Act to be taken, and who shall return, pass or repass, on the same Day, through the same Toll-gate or Turnpike erected in pursuance of this Act, with the same Coach, Landau, Berlin, Chariot, Curriole, Calash, Chaise, Hearse, Chair, Chaise-Marine, Waggon, Wain, Cart, Carriage, Horse, Mule, or other Cattle, shall be liable or compellable, on the same Day, to pay the Toll or Duty more than once at the same Toll-gates or Turnpikes on the said Road.

And, for preventing Frauds and Abuses in the said Tolls or Duties, Be Penalty on
disposing of
and receiving
Tickets. **it Enacted, by the Authority aforesaid, That if any Person or Persons, having paid the Toll or Duty by this Act granted and made payable, and having a Note or Ticket, Notes or Tickets, signifying, denoting, or implying, the Payment of such Toll or Duty, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person giving, disposing, or offering, and the Person receiving, such Note or Ticket, Notes or Tickets, and being thereof convicted, upon Oath, before the said Trustees, or any Five or more of them (which Oath, any One or more of the said Trustees are hereby empowered to administer), or before any One or more Justice or Justices of the Peace for the said Riding respectively, shall forfeit and pay the Sum of Twenty Shillings, to be levied, recovered, and disposed of, as any other Penalty or Forfeiture is directed to be levied, recovered, and disposed of, by this Act.**

Provided also, and it is hereby Enacted and Declared, That No Toll on Election Days **during the Continuance of this Act no Toll shall be taken for Coaches, Chariots, Currioles, Chaises, Chairs, and Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of York, on the Day or Days of such Election, or on the Day next before and next after such Elections; any thing herein contained to the contrary notwithstanding.**

Provided always, and it is hereby Enacted and Declared, That Persons and Things ex-
empted from
Toll. **no Person, who shall pass through any Turnpike to be erected in pursuance of this Act, shall be charged with, or liable to pay, any of the Tolls or Duties aforesaid, for any Cart, Wain, Waggon, or other Carriage, or any Horse, Ass, or Mule, laden with, carrying, drawing, or empty and going for, or returning, having been laden with, on the same Day, Gravel, Stone, or other Materials, for repairing the said Road, or any of the Roads, in the Townships in which the said Road doth lie; nor shall any Person be chargeable with the said Tolls or Duties, for any Carts, Wains, Waggons, or other Carriages, laden with, or empty and going for, or returning empty, having been, on the same Day, laden with Hay, or Corn in the Straw, only;**

only ; or for any Ploughs, Harrows, or Implements of Husbandry, Mould, Dung, Lime, Compost, or Manure, employed in Husbandry for manuring and improving of Lands, or for any Horse, or other Cattle or Carriage, going to, passing, or returning from, any Corn-mill, laden with any Corn, Grain, Malt, or Flour, ground, or to be ground, for the Use or Consumption of the Owners in his or her Dwelling-house, and not for Sale, or returning unladen, after having carried any such Corn, Grain, or Malt, to any Mill for the Purposes aforesaid ; nor shall any Toll or Duty be taken or demanded from any Person or Persons residing in any of the said several Townships, in which the said Road, or any Part thereof, doth lie, who shall pass through any of the same Turnpikes or Cross-gates to or from their proper Parish or Parochial Church, Chapel, or other Place of religious Worship they usually resort to on *Sundays* ; or who shall attend the Funeral of any Person or Persons that shall die, and be buried in any of the said Parishes ; nor for any Horse or Cattle going to or from Water or Pasture ; or Post-Horse conveying the Mail or Packet ; nor shall any Duty be demanded or taken for the Horses of Soldiers passing that are upon their March ; or for Waggons, Wains, Carts, and Carriages, attending them ; or for Horses, Carts, or Carriages, travelling with Vagrants sent by Passes, or returning, after having been so employed.

And it is hereby further Enacted and Declared, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person or Persons, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings.

Provided also, That no Toll or Duty shall be taken at any Toll-gate or Turnpike to be erected by virtue of this Act, on the Side of any Part of the said Road hereby directed to be repaired, for any Horse, Cattle, Coach, Landau, Berlin, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, which shall cross the said Road only.

And be it further Enacted, by the Authority aforesaid, That all and every Grantees, Trustees, Feoffees, and Committees, of any Messuages, Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money heretofore given, to any Person or Persons whatsoever, for and towards the repairing and amending the said Road, or any Part thereof, respectively, shall pay and apply such of the Rents, Issues, and Profits, of the said Messuages, Lands, and Tenements, and of the said Rents and Annuities so given for the repairing the same, to the said Trustees, or any Five or more of them, or their Treasurer for the Time being, to be by them laid out and expended in repairing such Part of the said Road for which the same were originally given : And to that End, the said Trustees, or any Five or more of them, are, or their Treasurer for the Time being is, hereby impowered to accept and receive, of and from such Grantees, Trustees, Feoffees, or Committees, such Rents and Profits, and Money, as aforesaid, and to give Receipts and Acquittances for the same.

And it is hereby also Enacted and Declared, That all and every Person and Persons, by Law chargeable towards repairing or amending the Highway or Road hereby intended to be repaired, shall still remain chargeable,

Penalty on
Persons taking
Benefit of Ex-
emptions, not
intitled.

No Toll for
crossing the
Road only.

Rents and
Money appli-
cable to Re-
pairs of Road
to continue so.

Power to re-
ceive the
same.

Persons liable
to Repair of
Road to con-
tinue so.

chargeable, and do their respective Statute-work, in the said Parishes in which the said Highway or Road doth lie, as, before the Passing of this Act, he, she, or they, ought to have done, except so far forth as it is in and by this Act otherwise directed and provided.

And be it further Enacted, by the Authority aforesaid, That the Township respective Surveyor or Surveyors of the Highways, of and for the several Townships in which any Part of the Road intended to be repaired by this Act doth lie, shall, yearly and every Year, during the Continuance of this Act, within Seven Days after Demand, made to him or them, respectively, in Writing, by any Surveyor or Surveyors to be appointed, by virtue and in pursuance of this Act, give in and deliver to such Turnpike Surveyor or Surveyors an exact List or Account, in Writing, under his or their Hands or Hand, of the Christian and Surnames of all and every Person and Persons in the respective Townships and Places, who are obliged by Law to do their Statute-work for that Year, with Teams and Draughts, or otherwise, and the Number of Days Work which each Person ought to do on the said Road in their several Townships respectively; Part of which said Statute-work, not exceeding Three Days for each Person, shall be done at such Times, and in such Manner, and on such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from time to time direct or appoint; and shall set forth and specify in such List what each Person is respectively chargeable with for and towards the same: And the Surveyor or Surveyors of the Highways in such Township for the Time being respectively, within Five Days after Notice shall be given to him or them, by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of the Persons, so chargeable as aforesaid, he would have to do such their respective Statute or Days Work, in or upon any Part or Parts of the said Road, shall summon or give publick Notice thereof to the Person or Persons so chargeable as aforesaid: And if any Surveyor or Surveyors for the said Towns or Places aforesaid, shall neglect or refuse to do as they are hereby directed and required, he or they, for every such Neglect or Refusal, shall forfeit and pay any Sum, not exceeding the Sum of Five Pounds: And if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Road, shall, after such Summons or publick Notice, neglect or refuse to send their respective Teams, Draughts, or Carts, with such Horses, or Beasts of Draught, as he, she, or they, respectively employ, with One Person to attend the same, to do and perform such their respective Days Work on the said Roads, he, she, or they, so neglecting or refusing, shall respectively forfeit and pay the Sum of Ten Shillings for every Day whereon any such Team, Draught, or Cart, shall make such Default as aforesaid: And if any Labourer, or other Person or Persons, so chargeable towards repairing the said Road, shall, at any time, neglect or refuse, after such Summons or publick Notice, to do and perform the said appointed Days Work on the said Road, he, she, or they shall respectively forfeit and pay the Sum of One Shilling and Sixpence for each of the said Days such Labourer, or other Person or Persons, shall make Default: And if any Person or Persons, who shall, according to such Summons

Power to turn off negligent Persons.

mons or publick Notice as aforesaid, come to work as a Labourer, or be sent with any Team, Draught, or Cart, to work on the said Road, are found idle or negligent by the said Turnpike Surveyor or Surveyors respectively, where the Work is to be done, in such Case, the same Surveyor or Surveyors may, and is and are hereby impowered and required, to turn him or them off, who shall be found idle or negligent as aforesaid; and it shall be deemed and taken as if such Person or Persons had not come, or sent any Team, Draught, or Cart, to work on the said Road; and he, she, or they shall be subject or liable to the respective Forfeitures and Payments above-mentioned, as if he, she, or they had neglected or refused to do or perform the said respective Days Work so ordered and appointed as aforesaid.

What Statute-work is to be done.

Provided always, That all and every Person and Persons now liable, or who, during the Continuance of this Act, shall be liable to do Statute-work on the said Road, on his and their doing and performing Statute-work, in manner herein before directed and prescribed, shall be, and is and are hereby exempted, from doing and performing any more or other Statute-work in each Year on the said Road, any thing herein contained to the contrary notwithstanding.

Power to compound with Townships, and other Persons liable.

Provided always, and be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees appointed or to be appointed by virtue of this Act, or any Seven or more of them, from time to time, during the Continuance of this Act, at any publick Meeting, to compound or agree, by the Year or otherwise, with any of the Townships, Hamlets, or Places, to which the said Road belongs, or with any of the Possessors or Occupiers of Lands, Tenements, or Hereditaments, which are liable to, or chargeable with, the Repair of any Part of the said Road, for any Sums of Money to be paid quarterly or otherwise, in lieu of the Statute or other Work to be done by such Townships or Places, or by such Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, and Hereditaments, chargeable as aforesaid.

Power to appoint Officers.

And be it further Enacted, by the Authority aforesaid, That the said Trustees at their First or any subsequent Meeting, or any Seven or more of them, shall and may, by Writing under their Hands and Seals, elect, nominate and appoint, One or more fit Person or Persons to be their Clerk or Clerks, and One or more Person or Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of such Money as shall be due and payable by virtue of this Act; and take such Security for the due Execution of the Office of Treasurer or Treasurers, as the said Trustees, or any Seven or more of them, shall approve of; and also shall and may appoint One or more fit Person or Persons to be Surveyor or Surveyors of the said Road, to view the Condition thereof, and to see that the same be repaired and amended, and the Money to be raised by this Act duly applied: And also shall and may, from time to time, remove such Clerks, Treasurers, Collectors, Receivers, and Surveyors, or any of them, as the said Trustees, or any Seven or more of them, shall see Occasion, and shall and may appoint new ones, in case of Death, or such Removal: And such Person or Persons as is or are by this Act liable to pay

Power to remove Officers.

and appoint new ones.

the said Tolls or Duties, is and are hereby required to pay the same, after the Rates aforesaid, to such Receiver or Receivers, Collector or Collectors, as shall, from time to time, be appointed for that Purpose: And the Treasurer and Treasurers, and all other Person or Persons, so appointed as aforesaid to receive the said Tolls or Duties: And also such Surveyor or Surveyors as aforesaid shall, upon Oath if thereunto required by the said Trustees, or any Five or more of them, before the said Trustees or any Five or more of them, or before One or more Justice or Justices of the Peace for the said West Riding, (which Oath such Trustees, or any One or more of them, or such Justice or Justices, is and are hereby empowered to administer) on the First *Monday* in every Month, or oftener if required, during the Continuance of this Act; give in a true, exact, and perfect Account, in Writing, under their respective Hands, of all Monies which he and they, and every or any of them respectively, shall, to such Time, have received, paid, and disbursed, by virtue of this Act, by reason of their respective Offices; for which Oath no Fee or Reward shall be taken: And in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as the same Trustees respectively, or any Seven or more of them, shall, by any Writing or Writings under their Hands and Seals, authorize and empower to receive the same; and shall be laid out and disbursed in amending the said Highways or Road, according to the true Intent and Meaning of this Act, and not otherwise: And the said Trustees, or any Seven or more of them, shall and may, out of the Money arising by the said Tolls or Duties, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, or Officers, so appointed, for and in Consideration of their Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons who shall be assisting in and about procuring the said Highway or Road to be amended and repaired, by advancing, or laying out any Monies, or otherwise, relating thereto, as to them shall seem proper and reasonable: And in case the said Trustees, Receivers, Collectors, or Surveyors, or any of them, shall not make such Account and Payment unto such Person or Persons, according to the Orders and Directions of the said Trustees, or any Five or more of them, as aforesaid, then the said Justices of the Peace, at any special or other Sessions to be held for the said Riding, shall make Enquiry of and concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more Witness or Witnesses, upon Oath, (which Oath they are hereby empowered and required to administer without Fee or Reward); And if any Person or Persons shall be convicted thereof by such Justices, the said Justices shall, upon such Conviction, commit the Party or Parties to the common Gaol of the County of *York*, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment as aforesaid, or shall have compounded and agreed with such Trustees, and paid such Composition to their Treasurer for the Time being; which Composition the said Trustees, or any Seven or more of them, at any Meeting assembled, are hereby authorized and empowered to make:

And

No Publican
to be an Of-
ficer.

Power to get
Materials for
repairing
the Road out
of Rivers or
Waste
Ground,

without pay-
ing for them

and in Private
Grounds pay-
ing for them;

and making
Satisfaction
for Damage.

Materials not
to be taken
away.

And be it further Enacted, by the Authority aforesaid, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or menial Servant to any of the Trustees appointed or to be appointed to put this Act in Execution, shall be capable of holding any Office to be made or erected by virtue of this Act.

And it is hereby further Enacted, That it shall and may be lawful to and for the respective Surveyor or Surveyors to be appointed in pursuance of this Act, and such Person and Persons as he or they shall appoint, to dig, gather, take and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Waste or Common, or such Parts of any River or Brook, as are not within Thirty Yards Distance from the Foot of any Mill, Dam, or Weir, of or in any Parish, Town, Village, or Hamlet, in or near which the said Road, or some Part thereof, doth lie, proper and convenient for repairing the said Road, without paying any thing for the same; but making such Satisfaction and Allowance to the Person or Persons through whose Land such Materials shall be led and carried, for the Damages done and occasioned thereby to the said Lands, and levelling and filling up, or fencing about, the Holes and Pits made by getting such Gravel, Stones, or other Materials, and also making such Satisfaction for any other special Damage, to be occasioned by such digging, carrying, and leading, as the said Trustees, or any Seven or more of them, shall judge and deem fit and reasonable; and where there is not a Sufficiency of such Materials in any common or waste Grounds, Rivers or Brooks near adjoining, it shall and may be lawful for the said Surveyor or Surveyors, by Order of the said Trustees, or any Seven or more of them, to dig and gather the same in the several Grounds of any Person or Persons (not being a Garden, Park, Orchard, Yard, Plantation, Nursery, planted Walk or Walks, or Avenue to a House) where any such Materials are or may be found, and from time to time, to carry away such and so much thereof, as the said Surveyor or Surveyors shall adjudge necessary, for the repairing and amending the said Highway or Road; paying such Rate for such Materials to the Owners or Occupiers of the Ground from whence or through or over near which the same shall be dug, gathered, and carried away; and making such Satisfaction for any other special Damage to be occasioned by such digging, gathering, or carrying, as the said Trustees, or any Seven or more of them, shall judge reasonable: And in case of any Difference between such Owners or Occupiers and the said Trustees, touching the Damages aforesaid, the said Justices of the Peace, at their General Quarter Sessions to be holden in and for the said West Riding may and shall adjudge, assess, and finally determine the same.

Provided also, and be it further Enacted, by the Authority aforesaid, That in case any Owner of the Soil, or Occupier of the Ground, where such Materials shall be digged or gathered, according to the Directions of this Act, or any other Person or Persons, shall, at any Time during the Continuance of this Act, lead, take, or carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, which any Surveyor or Surveyors, or any Person or Persons by him appointed, have gathered or digged out of any Waste or Common, River or Brook, or private Grounds, for the Purpose of repairing the said Road, or any Part thereof, or shall dig, gather, get, take,

take, lead, or carry away, any Gravel, Sand, Stones, or other Materials, out of any Pit, Hole, or Quarry, which such Surveyor, or any Person by him appointed, shall have made or opened for the Purpose of getting Materials for such Repairs as aforesaid, before such Time as the said Surveyor, or his Workmen, shall have discontinued getting any such Materials thereout, or working therein, for the Space of Forty Days; every Person and Persons so offending, and being thereof convicted, by Confession of the Party, or Oath of One credible Witness, before Five or more of the Trustees (which Oath, any One or more of the said Trustees are hereby empowered and required to administer), or before One or more Justice or Justices of the Peace for the said Riding, shall, for every such Offence, forfeit and pay unto the said Trustees, any Sum not exceeding the Sum of Five Pounds.

Provided always, That the Owner or Occupier of such private Ground shall and may, for his own private Use, dig and carry away any Gravel, Sand, Stones, or other Materials so dug by him, out of any such Pit; any thing herein contained to the contrary notwithstanding.

And it is hereby further Enacted, That if any Person shall hale or draw, or cause to be haled or drawn, in, upon, and along any Part of the said Road, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, (other than and except Mill-stones) otherwise than upon Wheel Carriages, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

And whereas Doubts have been made of the Validity of Contracts entered into by Trustees appointed by Acts of Parliament for surveying and amending Turnpike Roads, their Clerks, Treasurers or other Officers, with Workmen and other Persons, touching the Repair of the said Road, and whether (as such Trustees and those acting under them do not actually sustain any special Damage) any Damages can be recovered against the Parties making Default in fulfilling such Contracts; **for** obviating the same, **Be it Enacted**, by the Authority aforesaid, **and it is hereby Declared**, That all Contracts in Writing, entered into pursuant to an Order at any Meeting made by the Trustees hereby appointed, or hereafter to be appointed, or any Seven or more of them respectively, by their Clerk, Treasurer, or Surveyor, or other Officer, with any Workmen, or other Person or Persons, shall be binding upon all such Parties as shall sign the same, his and their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof; and that the Sum of Money requisite for putting the said Road into such Condition and Repair as by the said Contract the said Parties ought to have done, shall be in the Measure of the Damages to be recovered in any Action against such Contractor as aforesaid, and making Default in fulfilling his said Contract, any Law or Usage to the contrary in any-wise notwithstanding.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors, and such Person or Persons as he or they respectively shall, from time to time, appoint, and they are hereby respectively authorized and empowered to remove

and prevent Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Sinks, and turn Wa-
tercourses and Drains, or Drains, running into the said Highway, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourse or Ditch adjoining to the said Road; and to cut down, lop or top, any Trees, (except Timber-trees) Shrubs, or Bushes, growing in the said Highway, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers shall neglect to cut down and remove such Trees, Shrubs or Bushes, or to remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hands of Three or more of the said Trustees, or their Surveyor or Surveyors.

Surveyors to be reimbursed by the Owners.

Owners not paying to be punished.

And it is hereby Enacted and Declared, That the Charges of such Works to be done by, or by Order of, such Surveyor or Surveyors (such Charges to be settled and ascertained by the said Trustees, or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers neglecting or refusing to remove such Annoyances, as aforesaid: And in case such Owners or Occupiers, or such other Person or Persons, shall not, upon Demand, pay and reimburse to the said Surveyor such Charges as aforesaid, it shall and may be lawful to and for such Surveyor as aforesaid, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any Five or more of them, or under the Hand or Hands, and Seal or Seals, of One or more Justice or Justices of the Peace for the Place where such Owner or Occupier, or other Person, shall reside, to levy the said Charges by Distress of the Goods and Chattels of the Person so offending as aforesaid; returning the Overplus (if any be), after deducting the reasonable Charges of making such Distress and Sale, to the Person or Persons whose Goods shall be so distrained and sold as aforesaid: And if, after Removal of any such Annoyances, such Person or Persons shall again offend in the like kind, every such Person or Persons so offending, and being thereof convicted, upon Oath, made before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace for the said Riding (which Oath the said Trustees, or any One or more of them, or such Justice or Justices respectively, is and are hereby empowered to administer, shall, for every such Offence, forfeit and pay unto the said Trustees, the Sum of Twenty Shillings, to be levied and recovered in the manner aforesaid.

Power to build Arches and make Drains; and turn the Road, and widen narrow Parts;

And it is hereby Enacted, and declared, That it shall and may be lawful to and for such Surveyor or Surveyors, and such Person or Persons as shall be appointed by Order of the said Trustees, or any Seven or more of them, to make or cause to be made Causeways, and to cut and make Drains through any Grounds lying contiguous to the said Road, and to erect, rebuild, and keep in Repair, Arches of Bricks, Timber, or Stone, thereupon; and to divert and turn the said Road or Highway over any Part of the Moors or waste Grounds contiguous and adjoining thereto, or through which the said Road doth now pass; and also to widen any of the narrow Parts of the said Highway or Road, by opening, clearing, and laying into the said Highway or Road, any Grounds of any Person or Persons lying

ing contiguous thereto (not being a House, Garden, Orchard, Plantation, Nursery of Trees, planted Walk, or Avenue to a House); and also to cause Ditches or Trenches to be made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Seven or more of them, shall judge necessary for the better amending and keeping the said Road in good Repair; and also to make, or cause to be made, ^{and to make temporary} Road or Way through, over, and along the Grounds adjoining on any Road. narrow or ruinous Part or Parts of the said Road hereby intended to be repaired (not being a House, or other Building, Garden, Orchard, Yard, Park, or planted Walk, or Avenue to an House, Plantation, or Nursery of Trees) to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a Road, whilst the old adjacent narrow or ruinous Road is repairing, and until the same shall be made convenient and safe for Passengers and Carriages to travel and pass; making such reasonable Satisfaction to the Owners or Occupiers of such Ground which shall be laid in or unto the said Road, or through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, or through, over, or along which such occasional or temporary Road shall be made, ^{In case of Difference, to be settled by the Justices.} for the Damage which he, she, or they shall or may thereby sustain, as shall be assessed and adjudged by the Justices of the Peace, at the General Quarter Sessions to be next holden for the said Riding, in case any Difference shall arise between the said Trustees, and such Owners and Occupiers respectively, concerning the same: And if any Owners or Occupiers of any Watercourse, Ditch or Ditches adjoining to the said Highway or Road, shall neglect or refuse to scour or cleanse such Watercourse or Watercourses, and to make such Ditch or Ditches so deep, and in such manner, as such Surveyor or Surveyors shall adjudge proper and convenient, after such Notice shall be given for that Purpose by such Surveyor or Surveyors, or such Person or Persons as shall be appointed by him or them, by virtue of this Act, to such Owners or Occupiers, it shall and may be lawful to and for such Surveyor or Surveyors to set any Man or Men to work, to scour, cleanse, and make the same; and, by Warrant from any Five or more of the said Trustees to levy the Charges thereof upon the Goods or Chattels of the Owner or Owners, Occupier or Occupiers, of such Watercourses, Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chattels; rendering the Overplus (if any be) to the Owner or Occupier, after all Charges paid.

Provided always, That in case the ancient or former Way over any Moor or waste Ground shall, by virtue and in pursuance of this Act, be turned or diverted, the Inhabitants of the Township, Parish, or Hamlet, wherein the old Road, which shall thereby be left or discontinued, shall be, shall not be obliged to repair such old Road, unless the same lead to some other Village, Town, or Place, than the new Road doth, and such old Road shall be disused and discontinued.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, or others, are seised or possessed of &c. may sell some Lands, Grounds, Tenements, or Hereditaments, which, according to the Powers given by this present Act, may by the said Trustees be thought necessary

cessary or proper to be taken in and added to the said Road, either for extending, widening, enlarging, turning, altering, or amending, the same as aforesaid, and they may be willing to treat and agree to sell such Land, Grounds, Tenements, or Hereditaments, for the Purposes aforesaid; but are incapable of selling, granting, or conveying the same, by reason of Infancy, or other Disabilities; **Be it therefore Enacted**, by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes-covert, or Cestuique Trusts, and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Five or more of them, for Satisfaction to be made them respectively for such their Lands, Grounds, Tenements, and Hereditaments, or any Part thereof, or their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require; and that all Contracts, Agreements, Sales and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And that all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

But, on their Refusal,

a Jury to be summoned;

And it is hereby further Enacted, That if any such Owner, Proprietor, or Occupier, Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, or other Person or Persons, interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice to them given, or left in Writing at the Dwelling-House or Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, and Hereditaments, so to be taken into and added to the said Road as aforesaid, or into which such Way, Path, or Road, shall be turned or altered as aforesaid, shall, by the Space of Sixty Days after such Notice, given or left as aforesaid, neglect or refuse to treat, or shall not agree, for the Sale of the same, or, by reason of Absence, shall be prevented from treating; then, and in every or in any such Case, the said Trustees, or any Seven or more of them, shall cause it to be enquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men, of the said County of *York* (which Oath the said Trustees, or any One or more of them, are hereby empowered to administer) what Damages such Owners, Occupiers, or Proprietors, or other Person or Persons, interested or concerned therein, shall or may suffer or sustain, for or by reason of the taking of any such Land, Grounds, Tenements, or Hereditaments, into the said Road, and what Recompence and Satisfaction such Owners Occupiers, Proprietors, or other Person or Persons suffering thereby, shall respectively have and receive, by reason or on account thereof; and for that Purpose, and in order thereto, the said Trustees, or any Five or more of them, are hereby empowered and required

from time to time, as Occasion shall be or require, to summon and call before them all and every Person and Persons whatsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises; and shall examine all such Witnesses before the said Jury, upon Oath (which Oath the said Trustees or any One or more of them are hereby empowered and required to administer); and they shall also order and cause the said Jury to view the who are to said Places in question, if necessary, and to use all other lawful Ways and view the Means, as well for their own as the said Jury's Information in the Premises, as they the said Trustees, or any Five or more of them, shall think fit: And after the said Jury shall have so enquired of, ascertained and settled, such Damages and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the and determine said Sum or Sums of Money, so assessed by the said Jury, to be paid to what shall be the said Owners, Occupiers, or Proprietors, of the said Land, Grounds, paid; Tenements, and Hereditaments, or other Persons interested therein, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, which shall be against all Parties or Persons whatsoever, claiming, in Possession, Reversion, Remainder, or otherwise, and their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any Disabilities whatsoever, Bodies Politick, Corporate, and Collegiate, as well as all other Person and Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons, any-ways interested in such Lands, Grounds, Tenements, and Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of, the same: And for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby empowered to issue out their Warrant or Warrants to the Sheriff of the said County of York, to be sworn. Manner of summoning Jury, who are

thereby requiring him to impanel, summon, and return, an indifferent Jury of Twenty-four Persons, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and such Sheriff is hereby required thereupon to impanel, summon, and return, such Twenty-four Persons accordingly; and out of the Persons so impaneled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any One or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve.

Provided always, and be it further Enacted, by the Authority aforesaid, That all Persons concerned shall, from time to time, have their Jury may be challenged. lawful Challenges against any of the said Jurymen when they come to be sworn; and that the said Trustees, or any Five or more of them acting in

the Premises, shall have Power from time to time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, or on any of the Persons that shall be summoned and returned on such Jury, not appearing, or refusing to be sworn on the said Jury, or, being so sworn, refusing and not giving their Verdict concerning the same, or in any other manner wilfully neglecting their Duties therein, contrary to the true Intent and Meaning of this Act; and also, from time to time to impose such Fines and Penalties on any Person or Persons, who, being required to give Evidence before the said Jury touching the Premises, shall refuse to be examined, or to give Evidence touching the same, as the said Trustees, or any Five or more of them, shall think fit; and which said Fine or Fines shall be levied and recovered in such manner as any Fine or Penalty is by this Act directed to be levied and recovered, so as no such Fine shall exceed the Sum of Five Pounds upon any One Person; and all such Fines shall be so employed, and for such Uses, and in such Manner, as the Tolls or Monies granted or to be raised, by virtue and in pursuance of this Act, are to be laid out and applied.

Purchase-
money for
Lands, &c. to
be charged on
the Tolls;

and, on Pay-
ment or Ten-
der, the
Ground to be
taken in,

which shall be
Part of the
Road.

The old Road
to be sold.

And be it further Enacted, by the Authority aforesaid, That all and every such Sum or Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and are hereby, charged and chargeable upon the Tolls and Monies which shall be raised, received, and borrowed, by virtue and in pursuance of this Act, and shall be paid thereout respectively unto the Persons respectively intituled to the same, or to their respective Agents; and that upon Payment or Tender thereof to the said Persons so respectively intituled thereto, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Clerk, for the Time being, of the said Trustees, for the Use of such Person or Persons as the said Trustees, or any Five or more of them, shall appoint the same to be paid unto; and after Three Months Notice thereof given to such Person or Persons, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into and add to the said Road such said Ground, Lands, or Tenements, and to do all and every such Act, Matter, or Thing, with relation to the said Ground, Lands, Tenements, and Hereditaments, so to be taken into and added to the said Road, and to ditch and fence out the same, as the said Trustees, or any Five or more of them, shall think fit; and the said Ground or Grounds, Lands, or Tenements, so to be taken in, when the same shall be so ditched and fenced as aforesaid, shall, to all Intents and Purposes whatsoever, from thenceforth, become and be, and shall be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Road, not only during the Continuance of this present Act, but for ever after, and shall be repaired, and kept in Repair, by such Ways and Methods, and in all respects in such manner, as other Highways are by Law to be repaired: And after such Purchase shall be so made as aforesaid, and such new Road compleated, the Lands or Grounds comprised in or constituting the old or former Road, in lieu whereof the Land or Ground for

such

such new Road or Way shall be purchased as aforesaid, shall or may be sold or disposed of by the said Trustees, or any Seven or more of them, to such Person or Persons as shall be willing to purchase the same, for the best Price that can be reasonably had or gotten for the same: And the Money arising by such Sale shall be applied and disposed of for the repairing and amending the Road by this Act intended to be repaired.

And forasmuch as the Monies to be collected by such Receipt of the Tolls or Duties granted and made payable by this Act, will not be sufficient for the speedy repairing the said Road; **Be it further Enacted**, That the said Trustees, or any Nine or more of them, shall and may, and they are hereby empowered from time to time, during the Continuance of this Act, by Writing under their Hands and Seals, to assign over the said Tolls and Duties, or any Part thereof, by virtue of this Act to be collected and levied, as a Security for any Sum or Sums of Money by them to be borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Repayment thereof, with lawful Interest or less, or to raise Money on the Credit of the said Tolls, by such other Ways and Means as to them the said Trustees, or any Nine or more of them, at any publick Meeting, shall appear most effectual for answering the Purposes of this Act (the Costs and Charges of such Assignments or other Security or Securities to be borne and paid out of such Tolls and Duties); and the said Money so borrowed shall be applied and disposed of as the said Tolls or Duties raised and collected are directed to be applied and disposed of by this Act, and to no other Use or Purpose whatsoever.

And be it further Enacted, by the Authority aforesaid, That the Dates, Parties, and Contents or Substance, of all and every Assignment or Assignments, or other Security or Securities, so to be made by the said Trustees as aforesaid, shall be entered in a Book or Books, to be kept for that Purpose by the Clerk or Treasurer for the Time being, and the said Book or Books shall and may be seen and perused at all seasonable Times, by any Person or Persons whomsoever, without Fee or Reward.

Provided also, and it is hereby Enacted and Declared, That no Money shall be borrowed by the said Trustees, or any of them, on the Credit of this Act, unless Notice be for that Purpose fixed, in Writing under the Hand of the Clerk to the Trustees, upon all the Turnpike Gates to be erected by virtue of this Act, at least Twenty Days before the borrowing of such Money.

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall, at any time during the Continuance of this Act, unload, or cause to be unloaded, any Grain, or any Sort of Goods or Merchandizes, or take off any Horse or Horses from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Curricles, Chair, Hearse, Chaise-Marine, or Litter, or any Horse or Horses, Ox or Oxen, or other Beasts of Draught, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to avoid paying any of the Tolls or Duties hereby imposed, or shall conceal or secrete any Goods, or any other Thing chargeable with any

Extracts
whereof to be
entered in a
Book.

Notice to be
given of
borrowing
Money.

Penalty on
Persons un-
loading
Horses, &c.
to avoid pay-
ing Toll.

any of the Tolls aforesaid, or shall put or leave in any House, or other Place, any Coach, Landau, Berlin, Chariot, Calash, Chaise, Curricles, Hearse, Chaise-Marine, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mule, Ass, or any Sort of Cattle, liable to pay the said Tolls or Duties, with such Intent as aforesaid, each and every Person so offending shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer for the Time being, the Sum of Twenty Shillings, which shall be recovered and levied as any other Penalties and Forfeitures are to be recovered and levied by virtue of this Act.

And be it further Enacted, by the Authority aforesaid, That all Penalties and Forfeitures imposed by this Act, and to be incurred by force and virtue thereof (touching which no Provision is herein before made) shall be recovered and levied by Distress and Sale of the Goods and Chattels of the Offender and Offenders, by Warrant or Warrants under the Hands and Seals of Five or more of the said Trustees, or under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the Riding or Place wherein the said Penalties or Forfeitures shall be incurred, or the Offender or Offenders shall reside; which Warrant or Warrants the said Trustees, Justice or Justices respectively is and are hereby empowered and required to grant, on the Information of One or more credible Witness or Witnesses, upon Oath as aforesaid; and which Oath the said Trustees, or any One or more of them, or such Justice or Justices respectively, is and are hereby empowered and required to administer; which Penalties and Forfeitures when recovered, shall go, and be applied, and laid out, for and towards the amending the said Road hereby directed and intended to be repaired; and the Overplus of the Goods distrained (if any be) shall, upon Demand, be returned to the Party distrained, after the reasonable Charges of such Distress and Sale, to be settled and ascertained by the said Trustees or any Five or more of them, or by such Justice or Justices respectively shall be deducted.

Provided always, and it is hereby further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Trustees, or any Nine or more of them, at any General Meeting to be held by virtue and in pursuance of this Act, and they are hereby authorized and empowered from time to time, whenever they shall deem it expedient, to vary the Tolls and Duties hereby granted and made payable, by lessening, reducing, or advancing the same, after any such Reduction, and to order and direct such Tolls and Duties so lessened, reduced, or re-advanced, to be collected, received, taken, and laid out, and applied, for the Purposes of this Act, in such Manner, Parts, and Proportions, as they shall think fit; so as such Reduction be no Prejudice to the Persons who shall have lent Money on the Credit of the said Tolls, or any of them, or any Person or Persons who, at the time of such Reduction, shall have any Money secured thereby; and so as such advanced Tolls do not exceed the Tolls and Duties herein before granted; any thing herein before contained to the contrary in any-wise notwithstanding.

And be it further Enacted, by the Authority aforesaid, That the Tolls or Duties hereby granted shall take place from the First Day of June next.

next after the passing of this Act, and shall continue and be paid from thence; for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, subject nevertheless to such Variation as aforesaid.

Provided always, That if, at any Time before the Expiration of the said Term, the said Roads shall be sufficiently repaired and amended, and so adjudged by the Justices of the Peace for the West Riding of the County of York, at the General Quarter-Sessions of the Peace to be holden next after Easter, then, and from and immediately after such Adjudication made, and Repayment of all such Monies as shall have been borrowed upon the Credit of the said Tolls and Duties, in pursuance of this Act, with Interest for the same, shall be paid, satisfied, and discharged, then, and from thenceforth, the aforesaid Tolls and Duties hereby granted and made payable, shall cease and determine; any thing herein before contained to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, on giving Notice in Writing, to be fixed on all the Turnpike-gates which shall be then erected and set up on the said Road, of their Intent to let or set such Tolls or Duties, at least Ten Days before their Meeting for such Purpose, from time to time, by Writing under their Hands and Seals, to demise and lease the said Tolls and Duties hereby granted and made payable; or any Part thereof, unto any Person or Persons, from Year to Year, or for any Term of Years, not exceeding Three Years, for the best yearly Rent, or greatest Sum, that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Nine or more of them, shall direct or appoint; which yearly Rent or Sum of Money so to be paid shall be applied and disposed of as the Tolls and Duties granted by this Act are directed to be applied to, and disposed of, and to no other Use or Purpose whatsoever.

Provided always, and it is hereby Enacted and Declared, by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby empowered, by Writing or Writings under their Hands and Seals, to contract with any Person or Persons for repairing, amending, and widening, the said Road, or any Part thereof, and also for the erecting and setting-up Mile-stones or Posts, in, upon, or on the Sides of the said Road, or any Part thereof, in such Manner, and for such Sum and Sums of Money, as shall be agreed upon by and between the said Trustees, or any Five or more of them, and such Person or Persons so contracting with the said Trustees, or any Five or more of them.

And be it further Enacted and Declared, by the Authority aforesaid, That it shall and may be lawful to or for any of the Trustees appointed or to be appointed to put this Act in Execution, who is, are, or shall be, in the Commission of the Peace for the West Riding of the County of York, to act as a Justice or Justices of the Peace in all such Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act contained;

any of the Tolls aforesaid, or shall put or leave in any House, or other Place, any Coach, Landau, Berlin, Chariot, Calash, Chaise, Curricles, Hearse, Chaise-Marine, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mule, Ass, or any Sort of Cattle, liable to pay the said Tolls or Duties, with such Intent as aforesaid, each and every Person so offending shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer for the Time being, the Sum of Twenty Shillings, which shall be recovered and levied as any other Penalties and Forfeitures are to be recovered and levied by virtue of this Act.

And be it further Enacted, by the Authority aforesaid, That all Penalties and Forfeitures imposed by this Act, and to be incurred by force and virtue thereof (touching which no Provision is herein before made) shall be recovered and levied by Distress and Sale of the Goods and Chattels of the Offender and Offenders, by Warrant or Warrants under the Hands and Seals of Five or more of the said Trustees, or under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the Riding or Place wherein the said Penalties or Forfeitures shall be incurred, or the Offender or Offenders shall reside; which Warrant or Warrants the said Trustees, Justice or Justices respectively is and are hereby empowered and required to grant, on the Information of One or more credible Witnesses or Witnesses, upon Oath as aforesaid; and which Oath the said Trustees, or any One or more of them, or such Justice or Justices respectively, is and are hereby empowered and required to administer; which Penalties and Forfeitures when recovered, shall go, and be applied, and laid out, for and towards the amending the said Road hereby directed and intended to be repaired; and the Overplus of the Goods distrained (if any be) shall, upon Demand, be returned to the Party distrained, after the reasonable Charges of such Distress and Sale, to be settled and ascertained by the said Trustees or any Five or more of them, or by such Justice or Justices respectively shall be deducted.

Provided always, and it is hereby further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Trustees, or any Nine or more of them, at any General Meeting to be held by virtue and in pursuance of this Act, and they are hereby authorized and empowered from time to time, whenever they shall deem it expedient, to vary the Tolls and Duties hereby granted and made payable, by lessening, reducing, or advancing the same, after any such Reduction, and to order and direct such Tolls and Duties so lessened, reduced, or re-advanced, to be collected, received, taken, and laid out, and applied, for the Purposes of this Act, in such Manner, Parts, and Proportions, as they shall think fit; so as such Reduction be no Prejudice to the Persons who shall have lent Money on the Credit of the said Tolls, or any of them, or any Person or Persons who, at the time of such Reduction, shall have any Money secured thereby; and so as such advanced Tolls do not exceed the Tolls and Duties herein before granted; any thing herein before contained to the contrary in any-wise notwithstanding.

Commencement and Continuance of the Act.

And be it further Enacted, by the Authority aforesaid, That the Tolls or Duties hereby granted shall take place from the First Day of June next:

next after the passing of this Act, and shall continue and be paid from thence; for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, subject nevertheless to such Variation as aforesaid.

Provided always, That if, at any Time before the Expiration of the said Term, the said Roads shall be sufficiently repaired and amended, and so adjudged by the Justices of the Peace for the West Riding of the County of York, at the General Quarter-Sessions of the Peace to be holden next after Easter, then, and from and immediately after such Adjudication made, and Repayment of all such Monies as shall have been borrowed upon the Credit of the said Tolls and Duties, in pursuance of this Act, with Interest for the same, shall be paid, satisfied, and discharged, then, and from thenceforth, the aforesaid Tolls and Duties hereby granted and made payable, shall cease and determine; any thing herein before contained to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, on giving Notice in Writing, to be fixed on all the Turnpike-gates which shall be then erected and set up on the said Road, of their Intent to let or set such Tolls or Duties, at least Ten Days before their Meeting for such Purpose, from time to time, by Writing under their Hands and Seals, to demise and lease the said Tolls and Duties hereby granted and made payable; or any Part thereof, unto any Person or Persons, from Year to Year, or for any Term of Years, not exceeding Three Years, for the best yearly Rent, or greatest Sum, that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Nine or more of them, shall direct or appoint; which yearly Rent or Sum of Money so to be paid shall be applied and disposed of as the Tolls and Duties granted by this Act are directed to be applied to, and disposed of, and to no other Use or Purpose whatsoever.

Provided always, and it is hereby Enacted and Declared, by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby empowered, by Writing or Writings under their Hands and Seals, to contract with any Person or Persons for repairing, amending, and widening, the said Road, or any Part thereof, and also for the erecting and setting-up Mile-stones or Posts, in, upon, or on the Sides of the said Road, or any Part thereof, in such Manner, and for such Sum and Sums of Money, as shall be agreed upon by and between the said Trustees, or any Five or more of them, and such Person or Persons so contracting with the said Trustees, or any Five or more of them.

And be it further Enacted and Declared, by the Authority aforesaid, That it shall and may be lawful to or for any of the Trustees appointed or to be appointed to put this Act in Execution, who is, are, or shall be, in the Commission of the Peace for the West Riding of the County of York, to act as a Justice or Justices of the Peace in all such Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act contained;

Power to elect
new Trustees.

And be it further Enacted, by the Authority aforesaid, That for the continuing a sufficient Number of fit and able Persons to be Trustees for putting in Execution all and every the Powers in this Act contained, it shall and may be lawful for the Trustees appointed and to be appointed by virtue of this Act, or any Nine or more of them, upon the Death, Removal, or Refusal to act, of any of the said Trustees, by Writing or Writings under their Hands and Seals, from time to time, during the Term aforesaid, to elect, nominate, and appoint, in the room of such Trustee or Trustees so deceased, removed, or refusing to act, other fit and able Person or Persons, to be added and joined with the Trustees hereby appointed, and to be elected, by virtue of this Act, in the Execution of the several Powers hereby in them reposed; Notice of the Time and Place of meeting for the Election of such new Trustee or Trustees being given by the Clerk to the said Trustees, who is hereby required to fix, or cause to be fixed, such Notice in Writing at or on all the Turnpike-gates which shall be then erected by virtue of this Act, at least Ten Days before such Election; and all and every Person and Persons, so to be chosen a Trustee or Trustees to join in putting this Act in Execution, shall and may, and is and are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample manner as the Trustees so elected are by this Act impowered to do; and so from time to time, as Occasion shall require.

Power to com-
pound with
Travellers;

Minutes of
which to be
entered in a
Book.

Power to re-
cover Compo-
sition-money.

And be it further Enacted, by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at any of their publick Meetings, shall and may, and they are hereby impowered, from time to time, as they shall see convenient, or think fit, to compound or agree, for any Time, not exceeding One Year with any Person or Persons travelling through the Turnpike or Turnpikes erected by virtue of this Act, with any Horse, or Mule, Coach, Waggon, Cart, or other Wheel Carriage, for any Sum or Sums of Money to be paid quarterly or otherwise, from time to time, after such Agreement shall be made; and Minutes of all such Compositions or Agreements, so to be made by the said Trustees as aforesaid, shall be entered in a Book or Books, to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; and which said Books shall and may be seen and perused by any Person or Persons whomsoever, at all reasonable Times, without Fee or Reward.

Provided always, and be it Enacted, by the Authority aforesaid, That in case any Composition-money agreed to be paid for passing through the Turnpikes or Gates to be erected by virtue of this Act, Toll-free, or in lieu of any Statute or Days Work of the Inhabitants of any Parish, Township, Hamlet, or Place, wherein the Road to be amended by virtue of this Act doth lie, shall not be paid within Fifteen Days next after the same shall become due and payable, according to the Terms of such Composition or Agreement, then it shall and may be lawful for any Five or more of the said Trustees, or for any One or more Justice or Justices of the Peace of the said Riding, by Warrant under their or his Hands and Seals, or Hand and Seal, to empower the Person who shall be authorized by the said Trustees, for any Five or more of them, to receive such Composition-money; and Oath being made that the same has been demanded, and re-

mains

mains unpaid (which Oath such Trustees, or any One or more of them, or such Justice or Justices, is and are hereby authorized to administer), to levy such Composition-money by Distress and Sale of the Goods and Chattels of the Person and Persons so having compounded for passing through any of the said Turnpikes Toll-free as aforesaid, or of the Person or Persons who shall so compound for or in respect of the said Statute or Days Work, or of the Surveyors of the Highways, for the Time being, of such Parish, Township, or Hamlet, in respect of whose Statute or Days Work such Composition shall be made; returning the Overplus, upon Demand (if any be) after the Charges of such Distress and Sale thereout are first deducted.

Provided always, and be it further Enacted, by the Authority ^{If Township} aforesaid, That if any of the Surveyors of the Highways of and for such Parish ^{Surveyors pay} Township, Hamlet, or Place, for which any such Composition shall be ^{Composition- money, to be repaid.} made, for any Statute or Days Work as aforesaid, shall pay the Composition-money, or in case such Composition-money shall be levied on him in manner herein before provided, all and every such Surveyor or Surveyors shall and may be reimbursed the Composition-Money he shall so pay, or which shall be so levied on him, together with the Charges of levying the same, in the same manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for the amending the Highways.

And for the better and more effectual carrying into Execution the several Trusts, Powers, and Authorities, given and granted by this Act; Be it further Enacted, by the Authority aforesaid, That the Trustees herein before appointed, or any Nine or more of them, shall and may assemble and meet together at the House of *Benjamin Johnson*, being the Sign of *The White Hart* in *Wakefield*, on the Seventh Day of *June* next after the passing of this Act; and shall proceed to the Execution of this Act.

And it is hereby also Enacted and Declared, That the said Trustees ^{General Meetings may ad-} shall and may, from time to time, adjourn themselves to such Time and ^{journ them- selves:} Place as they, or any Two or more of them, shall think proper.

Provided always, That if it shall happen that there shall not appear at any Meeting which shall be appointed to be held in pursuance of this Act, a sufficient Number of Trustees to act at any such Meeting, or to adjourn to another Day, then, and in such Case, the Clerk to the said Trustees respectively, by Notice or Writing, under his Hand, to be fixed at the several Toll-gates or Turnpikes to be erected in pursuance of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees respectively to meet at the Place where the Meeting of the said Trustees ought to be held by virtue of this Act, on that Day Fortnight upon which such last Meeting of the said Trustees was appointed to have been held; and that the said Trustees appointed and to be appointed by virtue and in pursuance of this Act, shall, as well at their First Meeting, as at all their subsequent Meetings, defray their own Charges and Expences.

Provided always, and be it further Enacted, That no Person or Persons appointed or to be appointed, by this Act, a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of or by reason of the Tolls or Duties by this Act granted; but such Person or Persons shall be incapable of acting as a Trustee or Trustees from

from the Time of his accepting, and during the Enjoyment, of such Place of Profit as aforesaid.

Qualification of Trustees.

Provided also, and be it further Enacted, That no Person shall be capable of acting as a Trustee for the Purposes of this Act, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or in the Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, or shall be Heir apparent to some Person or Persons having an Estate of the yearly Value of Two hundred Pounds, or possessed of, or intitled unto, a personal Estate to the Amount of One thousand Five hundred Pounds, or of a real and personal Estate together, to the Value of One thousand Five hundred Pounds; and if any Person so hereby made or declared incapable to act, for the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every Person or Persons, for every such Offence, shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons that shall inform and sue for the same; to be recovered in any of his Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, Bill, Plaintiff, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Impariment, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act.

Mile-stones to be set up:

Penalty on damaging them;

or of Stones set up to protect Cause-ways.

And it is hereby further Enacted, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Stones or Posts to be erected and set up in or near the Sides of such Road, One Stone or Post to be placed at the Distance of One Mile from another, and so denoting the Distance of every such Stone or Post from any other Place, as to the said Trustees, or any Five or more of them, shall seem meet: And if any Person or Persons shall wilfully or maliciously break any of the Stones or Posts, or any Part thereof, which shall be so erected and set up as aforesaid, or which shall be set up for protecting any Horse Causeway or Foot Causeway, or for any other Purpose whatsoever, in pursuance of this Act, or obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, or shall wilfully drive, or cause to be driven, any Cart, Waggon, or other Carriage, upon or over any Horse or Foot Causeway in the said Road where the Carriage Way is passable for Wheel Carriages, and shall be convicted thereof, by the Confession of the Party, or on the Oath of One or more credible Witness or Witnesses, before the Trustees, or any Five or more of them, or before One or more Justice or Justices for the said West Riding, (which Oath any One or more of the said Trustees, or such Justice or Justices, is and are hereby empowered to administer), every Person or Persons so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, to be levied by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of such Trustees, Justice or Justices, before whom such Conviction shall be made; such Forfeitures to be applied in repairing the

the Stones or Posts so broken and defaced, or in supplying new ones in their stead: And if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing that Part of the said Road where the Offence was committed; and in case the Person or Persons so offending, and convicted, shall have no Goods and Chattels, then it shall and may be lawful to and for such Trustees, Justice or Justices respectively, by Warrant or Warrants, under their or his Hands and Seals or Hand and Seal, to commit such Person or Persons to the House of Correction for the West Riding of the County of York, for the Space of One Calendar Month, to be computed from the Day of such Commitment; and the Person and Persons so offending and convicted shall not be discharged, till he, she, or they, shall have paid the said Sum of Forty Shillings, or until the Expiration of the said One Month.

Provided also, and be it further Enacted, by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in the Execution of any Power or Authority hereby vested in such Trustees or Justices, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

And it is hereby also further Enacted, by the Authority aforesaid, That all and every Person or Persons to whom any Assignment or Assignments, or other Security or Securities, shall be made by the said Trustees, or any Nine or more of them respectively, by virtue and in pursuance of this Act, as a Security for any Sum or Sums of Money by any Person lent and advanced on the Credit of the said Tolls and Duties, who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment to be indorsed on the Back of his, her, or their Security or Securities, or by any other Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign and transfer his, her, or their Right, Title, and Interest, in and to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever, which said Transfer or Assignment shall be produced, and notified to the said Clerk or Clerks so to be appointed as aforesaid, within Three Months next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the said Book, to be kept for entering the said original Assignments, or other Securities; for which the said Clerk or Clerks shall be paid the Sum of Two Shillings, and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like manner, assign again, and so *toties quoties*, and it shall not be in the Power of such Person or Persons, who shall make such Assignment, thenceforth to make void, release, or discharge the same, or any Monies due, or any Part thereof.

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And

No Stamp-
duty on any
Instrument.

Securities
may be af-
signed.

Clerk to enter
Memorial in
a Book.

Minutes of all
Transactions
to be entered
by the Clerk.

And be it further Enacted, by the Authority aforesaid, That Minutes of the Dates, Parties, and Contents or Substance of all and every Assignment or Assignments, or other Security or Securities, Lease and Leases, made by the said Trustees, and the Transfers of such Securities, and of all Orders and Proceedings, or Compositions with the said Trustees, or any of them, shall be entered in a Book or Books, to be kept for that Purpose, by the Clerk or Clerks; which said Book or Books shall and may be seen and perused, at all seasonable Times, by any Person or Persons whomsoever, without Fee or Reward; and such Orders so entered, being signed by the Clerk or Clerks appointed as aforesaid, at any Meeting of Five or more of the said Trustees, as the Case shall require, shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of Five or more of the said Trustees; which said Book or Books shall and may be produced, and read in Evidence, in all Cases of Suits or Actions touching any thing done in Pursuance and by the Authority of this Act.

No Order of
Trustees to be
repealed, ex-
cept
Trustees be
present.

Provided always, and it is hereby Enacted and Declared, That no Order made by the said Trustees, or their Successors, or any Five or more of them, in, for, or concerning, the executing the Trusts, Powers, and Authorities, of this present Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Nine or more Trustees shall be present at the Time of repealing such Order.

Persons ag-
grieved may
appeal to the
Sessions;

Provided always, and be it further Enacted, by the Authority aforesaid, That, in case any Collector or Collectors, Receiver or Receivers, or other Person or Persons, shall think him, her, or themselves aggrieved by any thing done in pursuance of this Act, it shall and may be lawful for him, her, or them, within the Space of Three Months, to appeal to the Justices of the Peace, at their next General Quarter-Sessions to be held for the Riding, Liberty, or Place, wherein the Cause of Complaint shall arise, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved, in a summary Way; and, if they see Cause, shall and may, by Order of such Sessions, mitigate, at their Discretion, all or any of the Penalties or Forfeitures laid or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty; or otherwise may ratify and confirm the same, with such Costs as to them, in their Discretion, shall seem reasonable, and to levy by their Order or Warrants, such Costs so awarded by Distress and Sale of the Goods and Chattels of any Person or Persons who shall refuse to obey the same; and for want of such sufficient Distress to commit, the Party to the common Gaol for the County of York for any time not exceeding Three Months, or until Payment of such Costs shall be made: And the Person so appealing, as aforesaid, shall, and they are hereby directed to give Notice, in Writing, to the said Treasurer or Treasurers for the Time being, of such their Intention of bringing or prosecuting any Appeal One Month before the said Quarter-Sessions, and within Ten Days after such Notice given, enter into a Recognizance, before some Justice of the Peace within the Riding, Liberty, or Place, where the said Offence was committed, with sufficient Sureties with Condition to try such Appeal, at the Quarter Sessions of the Peace

giving No-
tice, and en-
tering into
Recogni-
zance.

Peace which shall be held next and immediately after the bringing such Appeal; and every such Appeal shall, at the next General Quarter-Sessions, be there heard, and finally determined.

And be it further Enacted, by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage, in any Action upon the Case.

Provided, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Ten Days Notice shall be thereof given to the Clerk or Clerks of the said Trustees, or after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Months next after the Fact committed; and every such Action shall be laid in the County of York, and not elsewhere: And the Defendant and Defendants in every such Action or Suit shall and may, at his Election, plead specially, or the General Issue, Not Guilty; and give this Act, and the Special Matter, in Evidence, at any Tryal to be had thereupon; and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to be so done, or that such Action or Suit shall be brought before Ten Days Notice shall be thereof given as aforesaid; or after a sufficient Satisfaction made or tendered as aforesaid; or after the Time limited for bringing the same as aforesaid; or shall be brought in any other County, Place or Places, than where the Fact was committed; then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs; then the Defendant or Defendants shall and may recover Treble Costs; and have such other Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

And, for the more easy and speedy Conviction of Offenders against this Act; **Be it further Enacted**, by the Authority aforesaid, That all and every the Justice or Justices of the Peace, Trustee or Trustees, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other Form of Words, to the same Effect:

West Riding of the } **B** E it remembered, that on the
County of York. } in the
year of his Majesty's Reign, A. B. is convicted, before } of his Ma-
jesty's Justices of the Peace for the Riding aforesaid, or before us
of

Minutes of all
Transactions
to be entered
by the Clerk,

And be it further Enacted, by the Authority aforesaid, That Minutes of the Dates, Parties, and Contents or Substance of all and every Assignment or Assignments, or other Security or Securities, Lease and Leases, made by the said Trustees, and the Transfers of such Securities, and of all Orders and Proceedings, or Compositions with the said Trustees, or any of them, shall be entered in a Book or Books, to be kept for that Purpose, by the Clerk or Clerks; which said Book or Books shall and may be seen and perused, at all seasonable Times, by any Person or Persons whomsoever, without Fee or Reward; and such Orders so entered, being signed by the Clerk or Clerks appointed as aforesaid, at any Meeting of Five or more of the said Trustees, as the Case shall require, shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of Five or more of the said Trustees; which said Book or Books shall and may be produced, and read in Evidence, in all Cases of Suits or Actions touching any thing done in Pursuance and by the Authority of this Act.

No Order of
Trustees to be
repealed, ex-
cept
Trustees be
present.

Provided always, and it is hereby Enacted and Declared, That no Order made by the said Trustees, or their Successors, or any Five or more of them, in, for, or concerning, the executing the Trusts, Powers, and Authorities, of this present Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Nine or more Trustees shall be present at the Time of repealing such Order.

Persons ag-
grieved may
appeal to the
Sessions;

Provided always, and be it further Enacted, by the Authority aforesaid, That, in case any Collector or Collectors, Receiver or Receivers, or other Person or Persons, shall think him, her, or themselves aggrieved by any thing done in pursuance of this Act, it shall and may be lawful for him, her, or them, within the Space of Three Months, to appeal to the Justices of the Peace, at their next General Quarter-Sessions to be held for the Riding, Liberty, or Place, wherein the Cause of Complaint shall arise, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved, in a summary Way; and, if they see Cause, shall and may, by Order of such Sessions, mitigate, at their Discretion, all or any of the Penalties or Forfeitures laid or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty; or otherwise may ratify and confirm the same, with such Costs as to them, in their Discretion, shall seem reasonable, and to levy by their Order or Warrants, such Costs so awarded by Distress and Sale of the Goods and Chattels of any Person or Persons who shall refuse to obey the same; and for want of such sufficient Distress to commit, the Party to the common Gaol for the County of York for any time not exceeding Three Months, or until Payment of such Costs shall be made: And the Person so appealing, as aforesaid, shall, and they are hereby directed to give Notice, in Writing, to the said Treasurer or Treasurers for the Time being, of such their Intention of bringing or prosecuting any Appeal One Month before the said Quarter-Sessions, and within Ten Days after such Notice given, enter into a Recognizance, before some Justice of the Peace within the Riding, Liberty, or Place, where the said Offence was committed, with sufficient Sureties with Condition to try such Appeal, at the Quarter Sessions of the

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Peace

Peace which shall be held next and immediately after the bringing such Appeal; and every such Appeal shall, at the next General Quarter-Sessions, be there heard, and finally determined.

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Provided, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Ten Days Notice shall be thereof given to the Clerk or Clerks of the said Trustees, or after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Months next after the Fact committed; and every such Action shall be laid in the County of York, and not elsewhere: And the Defendant and Defendants in every such Action or Suit shall and may, at his Election, plead specially, or the General Issue, Not Guilty; and give this Act, and the Special Matter, in Evidence, at any Tryal to be had thereupon; and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to be so done, or that such Action or Suit shall be brought before Ten Days Notice shall be thereof given as aforesaid; or after a sufficient Satisfaction made or tendered as aforesaid; or after the Time limited for bringing the same as aforesaid; or shall be brought in any other County, Place or Places, than where the Fact was committed; then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs; then the Defendant or Defendants shall and may recover Treble Costs; and have such other Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

And, for the more easy and speedy Conviction of Offenders against this Act; **Be it further Enacted**, by the Authority aforesaid, That all and every the Justice or Justices of the Peace, Trustee or Trustees, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other Form of Words, to the same Effect:

West Riding of the } BE it remembered, that on the
County of York. } in the
Year of his Majesty's Reign, A. B. is convicted, before } of his Ma-
Jury's Justices of the Peace for the Riding aforesaid, or before us }
of

of the Trustees nominated and appointed for putting in Execution the Powers contained in an Act of the Thirty Year of the Reign of his Majesty King George the Second, intituled, An Act

Wakefield

specifying the Offence, and

Time and Place when and where the same was committed, as the Case shall be.

Given under our Hands and Seals, the Day and Year aforesaid.

Which said Form and Conviction, or any of the Proceedings to be had touching the Conviction of any of the Offender or Offenders against this present Act, or any Order made touching any of the Matters aforesaid, by virtue of this Act, shall not be vacated or quashed for want of Form, or be liable to be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

Publick Act. *And be it Enacted*, by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

A C A N T
FOR
Repairing the Road from Wake-
field to Austerlands, in the
West Riding of the County
of York.

1759.

